

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JAN - 6 2012

STEPHEN JOSEPH BOLLENBACH,)
)
Plaintiff,)
)
vs.)
)
STATE OF OKLAHOMA et al.,)
)
Defendants.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY WA DEPUTY

No. CIV-11-857-W

ORDER

On December 8, 2011, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter. Plaintiff Stephen Joseph Bollenbach was advised of his right to object to the Report and Recommendation, but no objection has been filed within the allotted time.

At the time Bollenbach commenced this lawsuit, he was incarcerated and without funds to pay the filing fee. Magistrate Judge Bacharach therefore granted Bollenbach leave to proceed in forma pauperis. See Doc. 5.

On November 29, 2011, Bollenbach advised that he was no longer incarcerated and that he was then employed by Pope Contracting, Inc. See Doc. 34. Based upon the financial information submitted by Bollenbach,¹ Magistrate Judge Bacharach concluded that "with time, . . . Bollenbach would apparently have the resources to pay the \$315 that is remaining on his filing fee," Doc. 39 at 2, and he recommended that the Court revoke Bollenbach's pauper status. Upon review, the Court concurs with that recommendation.

¹E.g., Treff v. Galetka, 74 F.3d 191, 197 (10th Cir. 1996)(when litigant's financial condition improves, court may require him to pay fees and costs).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 39] issued on December 8, 2011;

(2) REVOKES the Order [Doc. 5] granting Bollenbach leave to proceed in forma pauperis;

(3) ORDERS Bollenbach to pay the remaining filing fee—\$315.00—on or before March 6, 2012; and

(4) ADVISES Bollenbach that this matter shall be dismissed without prejudice if he fails to pay that amount in full on or before March 6, 2012, or fails to show in writing by that same date good cause for his failure to do so.

ENTERED this 6th day of January, 2012.


LEE R. WEST
UNITED STATES DISTRICT JUDGE